

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PATHLIGHT PROPERTY
12 MANAGEMENT,

13 Plaintiff,

14 v.

15 KEITH LA WAYNE BATTLE,

16 Defendant.

17 CASE NO. 3:23-cv-06096-DGE
18 ORDER GRANTING MOTION TO
19 REMAND (DKT. NO. 5)

20 Presently before the Court is Plaintiff's motion to remand this case to the Pierce County
21 Superior Court. (Dkt. No. 5.) On November 30, 2023, Defendant filed a Notice of Removal
22 with this Court. (Dkt. No. 1.) Plaintiff argues this case, a landlord-tenant dispute involving
23 unpaid rent, raises a number of federal questions, including violations of antitrust laws, 18
24 U.S.C. § 242, the Fourteenth Amendment to the United States Constitution, and Unfair,
Deceptive, or Abusive Acts or Practices under the Federal Trade Act. (*Id.* at 1–2.)

1 Plaintiff argues there is no federal question presented in its complaint, and that
2 Defendant's presentation of certain federal statutory and constitutional defenses does not create
3 federal subject matter jurisdiction. (Dkt. No. 5 at 2.)

4 District courts have federal question jurisdiction over "all civil actions that arise under
5 the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. Defendant's stated
6 basis for removal appears to be 28 U.S.C. § 1441(a), which provides that "[e]xcept as otherwise
7 expressly provided by Act of Congress, any civil action brought in a State court of which the
8 district courts of the United States have original jurisdiction, may be removed by the defendant
9 or the defendants, to the district court of the United States for the district and division embracing
10 the place where such action is pending."

11 The presence or absence of federal-question jurisdiction is governed by the "well-pleaded
12 complaint rule," which provides that federal jurisdiction exists "only when a federal question is
13 presented on the face of the plaintiff's properly pleaded complaint." *Provincial Gov't of
14 Marinduque v. Placer Dome, Inc.*, 582 F.3d 1083, 1091 (9th Cir. 2009). "In determining the
15 existence of removal jurisdiction, based upon a federal question, the court must look to the
16 complaint as of the time the removal petition was filed." *Abada v. Charles Schwab & Co.*, 300
17 F.3d 1112, 1117 (9th Cir. 2002) (italics omitted).

18 Based on the information presented in the removal notice, Plaintiff's complaint in the
19 Superior Court appears to be a landlord-tenant action for unpaid rent. (Dkt. No. 1-2.) No federal
20 question is presented on the face of Plaintiff's complaint. To the extent Defendant presents
21 defenses and/or counterclaims, these cannot form the basis for federal jurisdiction. *Vaden v.
22 Discover Bank*, 556 U.S. 49, 60, (2009) (federal question jurisdiction cannot "rest upon an actual

23

24

1 or anticipated counterclaim"); *Valles v. Ivy Hill Corp.*, 410 F.3d 1071, 1075 (9th Cir. 2005) ("A
2 federal law defense to a state-law claim does not confer jurisdiction on a federal court.")

3 Accordingly, the Court does not have subject matter jurisdiction over this case, and
4 Plaintiff's motion to remand (Dkt. No. 5) is GRANTED. This case shall be remanded to the
5 Pierce County Superior Court.

6

7 Dated this 29th day of April, 2024.

8
9
10



11
12
13
14
15
16
17
18
19
20
21
22
23
24
David G. Estudillo
United States District Judge